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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,768	11/15/2001	Jack M. Birnbaum	GIC-575	7511

7590

10/03/2003

Barry R Lipsitz  
755 Main Street  
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EXAMINER
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NGUYEN, VAN H

ART UNIT	PAPER NUMBER
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2126

DATE MAILED: 10/03/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/980,768

Applicant(s)

BIRNBAUM ET AL.

Examiner

VAN H NGUYEN

Art Unit

2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 August 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-89 is/are pending in the application.
- 4a) Of the above claim(s) 27-87 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26, 88 and 89 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This Office Action is in response to the response to election requirement (paper #5) filed August 18, 2003. Claims 1-26 and 88-89 are elected for examination.

#### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 88-89 are rejected under 35 U.S.C. 102(b) as being anticipated by **Evain** “*The Multimedia Home Platform*” EBU Technical Review - Spring 1998- pp.4-10.

As to claim 1, Evain teaches (pp. 4-10) an interface (*the interface*) to core system software (*the software*) in a user terminal (*MHP receiver*), comprising: a computer readable medium having computer program code (*executable code*); and means for executing said computer program code to provide at least one application program interface (*APIs*) to enable middleware (*middleware*) that mediates between an application program and the core system software (*the interface...between the applications and the software*) to access a function (*procedure functions are activated*) of the terminal.

As to claim 88, Evain teaches the terminal comprises a television terminal (pp.4-5).

**As to claim 89**, note the rejection of claim 1 supra.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Evain** in view of **Sambar** "*PowerTV Operating System*" Release 1.5, October 1998, pp.1-52.

**As to claim 2**, Evain does not explicitly teach the function of the terminal comprises acquiring a service.

Sambar teaches the function of the terminal comprises acquiring a service (*provide...services*; page 47).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Sambar with Evain because it would have provided the capability for allowing different content and service providers to share different implementations of compliant platforms.

**As to claim 3**, Evain does not explicitly teach the function of the terminal comprises acquiring a service by tuning a specified virtual channel number or source ID using a specified service path (pp.47-49).

Sambar teaches the function of the terminal comprises acquiring a service by tuning a specified virtual channel number or source ID using a specified service path (page 47).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Sambar with Evain because it would have provided the capability for allowing different content and service providers to share different implementations of compliant platforms.

**As to claim 4**, Sambar teaches the function of the terminal comprises determining the status of a service (pp. 47-49).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Sambar with Evain because it would have provided the capability for allowing different content and service providers to share different implementations of compliant platforms.

**As to claim 5**, Sambar teaches the function of the terminal comprises requesting status information regarding a currently-tuned primary service on a specified service path (pp. 47-49).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Sambar with Evain because it would have provided the capability for allowing different content and service providers to share different implementations of compliant platforms.

**As to claim 6**, Sambar teaches the function of the terminal comprises registering a client for unsolicited service status updates for a currently tuned primary service on a specified service path (pp. 47-49).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Sambar with Evain because it would have provided the capability for allowing different content and service providers to share different implementations of compliant platforms.

**As to claim 7**, Sambar teaches the function of the terminal comprises canceling a registration for service status updates that was previously set up (pp.47-49).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Sambar with Evain because it would have provided the capability for allowing different content and service providers to share different implementations of compliant platforms.

**As to claim 8**, Sambar teaches the function of the terminal comprises obtaining a summary of current Virtual Channel Table information for all defined virtual channels (pp.47-49).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Sambar with Evain because it would have provided the capability for allowing different content and service providers to share different implementations of compliant platforms.

**As to claim 9**, Sambar teaches the function of the terminal comprises obtaining a summary of current Virtual Channel Table information and characteristics for all defined DOCSIS downstream channel (pp.47-49).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Sambar with Evain because it would have

provided the capability for allowing different content and service providers to share different implementations of compliant platforms.

**As to claim 10**, Sambar teaches the function of the terminal comprises adding a service component of a specified type to a primary service on a specified service path (pp.47-49).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Sambar with Evain because it would have provided the capability for allowing different content and service providers to share different implementations of compliant platforms.

**As to claim 11**, Sambar teaches the function of the terminal comprises deselecting a specified component from a primary service on a specified service path (pp.47-49).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Sambar with Evain because it would have provided the capability for allowing different content and service providers to share different implementations of compliant platforms.

**As to claim 12**, Sambar teaches the function of the terminal comprises selecting a service component that carries particular multicast datagrams (pp.47-49).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Sambar with Evain because it would have provided the capability for allowing different content and service providers to share different implementations of compliant platforms.

**As to claim 13**, Sambar teaches the function of the terminal comprises extracting datagram fragments from datagram sections being carried on one or more elementary PID stream components (pp.47-49).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Sambar with Evain because it would have provided the capability for allowing different content and service providers to share different implementations of compliant platforms.

**As to claim 14**, Sambar teaches the function of the terminal comprises deselecting a specified stream component that was previously selected (pp.47-49).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Sambar with Evain because it would have provided the capability for allowing different content and service providers to share different implementations of compliant platforms.

**As to claim 15**, Sambar teaches the function of the terminal comprises requesting message from a text or data-service component that was previously selected (pp.47-49).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Sambar with Evain because it would have provided the capability for allowing different content and service providers to share different implementations of compliant platforms.

**As to claim 16**, Sambar teaches the function of the terminal comprises at least one of acquiring downstream data from a specified service source; and releasing access to downstream data from a specified service connection (pp.47-49).



It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Sambar with Evain because it would have provided the capability for allowing different content and service providers to share different implementations of compliant platforms.

**As to claim 17**, Sambar teaches the function of the terminal comprises receiving data or text from a specified background service connection that was previously acquired (pp.47-49).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Sambar with Evain because it would have provided the capability for allowing different content and service providers to share different implementations of compliant platforms.

**As to claim 18**, Sambar teaches the function of the terminal comprises obtaining at least one virtual channel number associated with a specified source identifier (pp.47-49).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Sambar with Evain because it would have provided the capability for allowing different content and service providers to share different implementations of compliant platforms.

**As to claim 19**, Sambar teaches the function of the terminal comprises obtaining a source identifier associated with a specified virtual channel number (pp.47-49).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Sambar with Evain because it would have provided the capability for allowing different content and service providers to share different implementations of compliant platforms.

**As to claim 20**, Sambar teaches the function of the terminal comprises obtaining a list of pending changes to a Virtual Channel Table (pp.47-49).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Sambar with Evain because it would have provided the capability for allowing different content and service providers to share different implementations of compliant platforms.

**As to claim 21**, Sambar teaches the function of the terminal comprises obtaining a Defined Channel Bit Map (DCBM) for a specified channel type that represents currently defined virtual channels/services (pp.47-49).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Sambar with Evain because it would have provided the capability for allowing different content and service providers to share different implementations of compliant platforms.

**As to claim 22**, Sambar teaches the function of the terminal comprises identifying a next audio and/or video component for a service (pp.47-49).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Sambar with Evain because it would have provided the capability for allowing different content and service providers to share different implementations of compliant platforms.

**As to claim 23**, Sambar teaches the function of the terminal comprises obtaining a virtual channel number associated with a specified application identifier (pp.47-49).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Sambar with Evain because it would have provided the capability for allowing different content and service providers to share different implementations of compliant platforms.

**As to claim 24**, Sambar teaches the function of the terminal comprises obtaining an application identifier associated with a specified Virtual Channel Number (pp.47-49).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Sambar with Evain because it would have provided the capability for allowing different content and service providers to share different implementations of compliant platforms.

**As to claim 25**, Sambar teaches the function of the terminal comprises obtaining an application identifier associated with a specified source name string (pp.47-49).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Sambar with Evain because it would have provided the capability for allowing different content and service providers to share different implementations of compliant platforms.

**As to claim 26**, Sambar teaches the function of the terminal comprises obtaining a source name string identifier associated with a specified application ID (pp.47-49).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Sambar with Evain because it would have provided the capability for allowing different content and service providers to share different implementations of compliant platforms.

*Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- |                       |            |                      |
|-----------------------|------------|----------------------|
| - Kaler et al.        | US 6467052 | issued date: 10/2002 |
| - Kim                 | US 6336218 | issued date: 06/2002 |
| - Robbins et al.      | US 5796423 | issued date: 08/1998 |
| - Robbins et al.      | US 5784095 | issued date: 07/1998 |
| - Clanton, III et al. | US 5745710 | issued date: 04/1998 |
| - Clanton, III et al. | US 5524195 | issued date: 06/1996 |
- Lin "Wireless Systems and Portable Multimedia" - IEEE 1998 - pp.586-589.
  - Nair "Interactive Television Settop Terminal Architectures" – IEEE 1996 – pp.233-238.
  - Colby "Overview of Interactive TV from the Viewpoint of the Cable TV Settop Converter's RF Modem" –IEEE 1995- pp.200-202.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAN H NGUYEN whose telephone number is (703) 306-5971. The examiner can normally be reached on Monday-Thursday from 8:30AM - 6:00PM. The examiner can also be reached on alternative Friday.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9000.

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**Any response to this action should be mailed to:**

**Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450**

**or fax to:**


(703) 746-7239 (for formal communications intended for entry)

(703) 746-7238 (for After Final communications)

(703) 746-7240 (for informal or draft communications)

VHN

09/24/ 2003

  
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